

REMARKS/ARGUMENTS

Examiner Interview

Applicant has attached herewith a statement of the substance of the Examiner Interview conducted on September 19, 2003.

Priority Claim

Applicant respectfully disagrees with the Office's comments regarding the priority claim. In the interest of expediting prosecution, Applicants have cancelled those claims that could possibly be impacted by the application's failure to receive the benefit of the priority claim.

Specification

The substituted paragraphs on pages 32, 36, 75, 99, and 108 were amended merely to add SEQ ID NOS in compliance with 37 CFR § 1.821 (d).

The substituted paragraph on page 35 was amended merely to correct a clerical error.

The substituted paragraph on page 58 was amended merely to delete a typographical error.

The substituted paragraph on page 89 was amended merely to delete the embedded hyperlink.

The substituted paragraph on page 107 was amended merely to add SEQ ID NOS in compliance with 37 CFR § 1.821 (d) and to correct a clerical error.

No new matter has been added by way of these amendments to the specification.

Claims

Claims 1-2, and 6-63 are currently pending in the application with claims 21-55 withdrawn from examination as directed to non-elected subject matter. With the current amendment, claims 2-7, 9, 11, 13, 15, 17, and 56-63 have been cancelled. Cancellation of these claims is without prejudice, without intent to acquiesce in any rejection of record, without intent to abandon any previously claimed subject matter and has been done merely in an effort to expedite prosecution.

Claims 21-55 have been withdrawn as directed to a non-elected subject matter and are hereby canceled.

Allowed Claims

Applicant gratefully acknowledges the allowance of claims 1, 8, 10, 12, 14, 16, and 18-20.

Objection under 35 U.S.C. § 132

With respect to the Office's objection to claim 62 alleging new matter, Applicant respectfully disagrees with the Office's allegation but notes that claim 62 has been canceled, rendering the objection moot.

Discussion of the 35 U.S.C. § 112 Rejections

Claims 6-7 and 56-63 have been rejected by the Examiner as failing to satisfy a number of the provisions of 35 U.S.C. § 112. Without conceding to the merits of any of the Examiner's allegations and solely in an effort to expedite prosecution, the rejected claims have been canceled, rendering these rejections moot. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112 rejections.

The Rejections Under 35 U.S.C. § 102 and 103

Claims 2, 6, 7, 9, 11, 13, 15, 17, and 56-63 have been rejected under various sections of 35 U.S.C. § 102(a/e) and under 35 U.S.C. §103(a) over the following references:

1. Tall et al. (WO 2001 83506-A1, 11-8-01);
2. Birren et al. (GenEmbl Database accession No. AC012230, 4-22-2000); and
3. Rosier-Montus et al. (US 2002/0146792-A1, US Priority 5-2-2000).

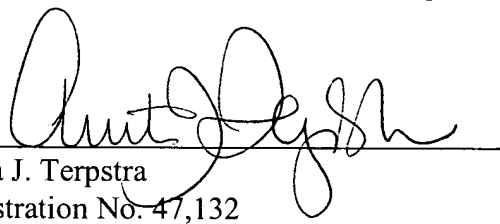
As was the case with the rejections under 35. U.S.C. §112, without conceding to the merits of any of the Examiner's allegations and solely in an effort to expedite prosecution, the rejected claims have been canceled, rendering these rejections moot. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 102/103.

CONCLUSION

In view of the above remarks, the application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Date: February 6, 2004

By: 
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